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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213454
Party	Defendant Disney Enterprises, Inc.
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Date	12/19/2013
Attachments	Answer MONSTER UNIVERSITY.pdf(28864 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>MONSTER ENERGY COMPANY,</p> <p style="text-align: center;">Opposer</p> <p style="text-align: center;">v.</p> <p>DISNEY ENTERPRISES, INC.,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91213454</p> <p>Mark: MONSTERS UNIVERSITY Serial No. 85678154 Filed: July 16, 2012</p>
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ANSWER

Disney Enterprises, Inc. ("Applicant") answers the Notice of Opposition filed by Monster Energy Company ("Opposer") against its pending Application Serial No. 85678154 as set forth below.

With respect to the preamble of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of Applicant's MONSTERS UNIVERSITY mark. With respect to the numbered Paragraphs in the Notice of Opposition, Applicant Answers as follows:

1. Admitted.
2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and therefore denies them.
3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.
4. Applicant lacks sufficient information to form a belief as to the truth or

falsity of the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.

5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition, and therefore denies them.

6. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Notice of Opposition, and therefore denies them.

7. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Notice of Opposition, and therefore denies them.

8. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Notice of Opposition, and therefore denies them.

9. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 9 of the Notice of Opposition, and therefore denies them.

10. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 10 of the Notice of Opposition, and therefore denies them.

11. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 11 of the Notice of Opposition, and therefore denies them.

12. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 12 of the Notice of Opposition, and therefore denies them.

13. Applicant lacks sufficient information to form a belief as to the truth or falsity

of the allegations in Paragraph 13 of the Notice of Opposition, and therefore denies them.

14. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 14 of the Notice of Opposition, and therefore denies them.

15. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 15 of the Notice of Opposition, and therefore denies them.

16. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 16 of the Notice of Opposition, and therefore denies them.

17. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 17 of the Notice of Opposition, and therefore denies them.

18. Applicant admits that Application Serial No. 85678154 was filed on July 16, 2012 under Section 1(b), 15 U.S.C. § 1051(b). Applicant denies that Opposer's use of its alleged "well-known MONSTER Marks" predates Applicant's use of its MONSTER-formative marks. To the extent that there are any other remaining allegations in this paragraph, Applicant lacks sufficient information to form a belief as to the truth or falsity of such allegations, and therefore denies them.

19. Applicant admits that it seeks federal registration of its MONSTERS UNIVERSITY mark for the goods listed in Application Serial No. 85678154, which confers certain rights to Applicant. To the extent that there are any other remaining allegations in this paragraph, Applicant lacks sufficient information to form a belief as to the truth or falsity of such allegations, and therefore denies them.

20. Denied.

21. Denied.

AFFIRMATIVE DEFENSES & ALLEGATIONS

22. Applicant, and not Opposer, has prior use in commerce of MONSTER(S) in connection with its motion picture films and a wide variety of merchandise related to its films. Applicant first used its mark MONSTERS INC. in connection with its motion picture film as early as June 2001. Applicant's award-winning MONSTERS INC. film received significant media attention and publicity, and it has been an enormous success earning hundreds of millions of dollars in revenues. Applicant's MONSTERS INC. film received extensive pre-release publicity in 2001 and thereafter, exposing millions of consumers to its mark. Further, long before Opposer's alleged date of first use, Applicant has used its MONSTER(S) mark in connection with food and beverage products, and engaged in merchandising its film titles, characters, names, and marks in connection with such products.

23. Applicant reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses or counterclaims at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, Applicant prays that this opposition be dismissed with prejudice, and that Applicant's mark be granted registration.

Respectfully submitted,

Dated: December 19, 2013

DISNEY ENTERPRISES, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2013, a true and correct copy of the foregoing Answer was served by email and United States first class mail, postage prepaid, on counsel for Opposer at the following address of record:

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/Larry L. White/
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